

ESTTA Tracking number: **ESTTA380770**

Filing date: **11/29/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Scratch Golf, LLC		
Entity	limited liability company	Citizenship	South Carolina
Address	60 Hilton Head National Drive Bluffton, SC 29910 UNITED STATES		

Attorney information	Mark B. Harrison Venable LLP 575 7th Street, NW Washington, DC 20004 UNITED STATES mbharrison@venable.com, mehall@venable.com, trademarkdocket@venable.com Phone:202-344-4019
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Registration Subject to Cancellation

Registration No	3512556	Registration date	10/07/2008
Registrant	Scratch Golf Clubs, LLC 550-F Shelley Street Springfield, OR 97477 UNITED STATES		

Goods/Services Subject to Cancellation

Class 028. First Use: 2005/01/00 First Use In Commerce: 2005/01/00
All goods and services in the class are cancelled, namely: Golf equipment, namely, golf clubs

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	77843530	Application Date	10/07/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SCRATCH GOLF COMPANY		

Design Mark	SCRATCH GOLF COMPANY
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1989/11/01 First Use In Commerce: 1989/11/01 Retail shops featuring golf-related goods of others

U.S. Application No.	77980698	Application Date	10/07/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SCRATCH GOLF COMPANY		
Design Mark	SCRATCH GOLF COMPANY		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1988/05/17 First Use In Commerce: 1988/10/30 Golf courses		

U.S. Application No.	77846312	Application Date	10/12/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SGC SCRATCH GOLF COMPANY		

Design Mark	
Description of Mark	The mark consists of an oval with a thick dark band and the words "SCRATCH GOLF COMPANY" around the oval. Inside the oval is a pineapple on which the intertwined letters "SGC" appear. A wreath appears around the pineapple.
Goods/Services	Class 035. First use: First Use: 1992/09/16 First Use In Commerce: 1992/12/31 Retail shops featuring golf-related goods of others

U.S. Application No.	77980697	Application Date	10/12/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SGC SCRATCH GOLF COMPANY		
Design Mark			
Description of Mark	The mark consists of an oval with a thick dark band and the words "SCRATCH GOLF COMPANY" around the oval. Inside the oval is a pineapple on which the intertwined letters "SGC" appear. A wreath appears around the pineapple.		
Goods/Services	Class 041. First use: First Use: 1992/09/16 First Use In Commerce: 1992/12/31 Golf courses		

Attachments	77843530#TMSN.jpeg (1 page)(bytes) 77980698#TMSN.jpeg (1 page)(bytes) 77846312#TMSN.jpeg (1 page)(bytes) 77980697#TMSN.jpeg (1 page)(bytes) Petition to Cancel Registration No. 3512556.pdf (5 pages)(90813 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Mark B. Harrison/
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Name	Mark B. Harrison
Date	11/29/2010

Scratch Golf, LLC,)	
)	
Petitioner,)	
)	
vs.)	Cancellation No. _____
)	Mark: <i>Scratch</i>
Scratch Golf Clubs, LLC)	Registration No. 3,512,556
)	
Respondent.)	
_____)	
Attorney's Reference: 70230-TBD)	

Scratch Golf, LLC (“Petitioner”), a limited liability company duly organized and existing under the laws of South Carolina, and having its offices and principal place of business at 60 Hilton Head National Drive, Bluffton, South Carolina 29910, believes that it is damaged by Registration No. 3,512,556, and hereby petitions to cancel the same.

1. Petitioner provides golf courses and retail shops featuring golf-related goods of others.

(i) Application Serial No. 77/843,530 for the mark SCRATCH GOLF COMPANY for “retail shops featuring golf-related goods of others,” filed on October 7, 2009 and claiming a date of first use anywhere and in commerce on November 1, 1989;

(ii) Application Serial No. 77/980,698 for the mark SCRATCH GOLF COMPANY for “golf courses,” filed on October 7, 2009 and claiming a date of first use anywhere on May 17, 1988 and in commerce on October 30, 1988;



(iii) Application Serial No. 77/846,312 for the mark for “retail shops featuring golf-related goods of others,” filed on October 12, 2009 and claiming a date of first use anywhere on September 16, 1992 and in commerce on December 31, 1992; and



(iv) Application Serial No. 77/980,697 for the mark for “golf courses,” filed on October 12, 2009 and claiming a date of first use anywhere on September 16, 1992 and in commerce on December 31, 1992.

3. Scratch Golf Clubs, LLC (“Respondent”) owns Registration No. 3,512,556 (“Respondent’s Registration”), for the mark *Scratch* for use in connection with “golf equipment, namely, golf clubs.”

4. The underlying application that matured into Respondent’s Registration was filed on January 6, 2006, and Respondent’s Registration claims a date of first anywhere and in commerce of January 2005.

5. Petitioner's Applications have all been refused registration by the Examining Attorney handling them, on the ground that there is a likelihood of confusion with the mark *Scratch* shown in Respondent's Registration.

6. Respondent did not use its mark *Scratch* in connection with the goods identified in Respondent's Registration prior to January 2005.

7. Respondent did not use its mark *Scratch* in connection with the goods identified in Respondent's Registration prior to 1993.

8. Petitioner first used the marks shown in Petitioner's Applications prior to any date upon which Respondent can rely for priority.

9. Respondent's mark *Scratch* so closely resembles the marks shown in Petitioner's Applications that there is a likelihood of confusion, mistake, and deception.

10. If Respondent's Registration is permitted to remain on the Principal Register, Petitioner will continue to be damaged.

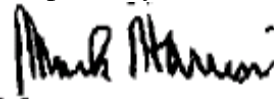
11. If Respondent were permitted to continue to use and register its mark for its goods, confusion among consumers resulting in damage and injury to Petitioner would be caused by virtue of the similarity between Respondent's trademark and Petitioner's service marks. Any defect, objection or fault found with Respondent's goods would reflect upon, seriously injure, and dilute the reputation and value that Petitioner has established in Petitioner's service marks.

WHEREFORE, Petitioner respectfully requests that this Petition be granted and that Registration No. 3,512,556, be canceled.

Please deduct the statutory filing fee of \$300.00 and any additional fees from deposit Account No. 22-0261 and notify the undersigned accordingly.

Petitioner appoints Mark B. Harrison, Marcia A. Auberger, Andrew Price, Rebecca Liebowitz, Janet Satterthwaite, Jacqueline Patt, and Michael E. Hall, along with the law firm of Venable LLP, P.O. Box 34385, Washington, D.C. 20043-9998 to transact all business on its behalf in connection with this Petition for Cancellation.

Respectfully submitted,



Date: November 29, 2010

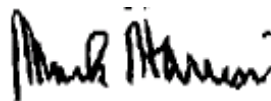
Mark B. Harrison
VENABLE
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: 202/344-4800
Facsimile: 202/344-8300

Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2010, a copy of the foregoing PETITION TO
CANCEL REGISTRATION NO. 3,512,556 was served, via first-class mail, postage pre-paid,
on:

Scratch Golf Clubs, LLC
550-F Shelley Street
Springfield, Oregon 97477

A handwritten signature in black ink, appearing to read "Mark B. Harrison".

Mark B. Harrison